

Response dated 11/14/2005
Response to Office Action mailed 07/12/2005

Application No. 10/623,447

REMARKS

The Office Action of July 12, 2005 has been reviewed and the comments therein were carefully considered. By the current response claims 1-12 and 15-16 have been amended and claims 13-14 have been canceled. No new matter has been introduced into the application. As explained in more detail below, Applicant submits that all claims are in condition for allowance and respectfully requests withdrawal of the rejections.

Claim Objections

Claim 1 stands objected to as having extra spacing between words.

Applicant along with the current remarks has included a complete listing of claims which replaces all prior versions, and listings, of claims in the application. Applicant has corrected the spacing of claim 1 in the current listing of claims. Therefore, Applicant respectfully requests withdrawal of the objection.

Claim Rejections Under 35 USC §101

Claims 1-15 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory matter.

Applicant has amended the preamble of claims 1-12 and 15 from "method" to "computer implemented method" as suggested by the Examiner in order to overcome the 35 USC 101 rejection. Applicant respectfully submits that pending claims 1-12 and 15 are in now condition for allowance. Therefore, Applicant respectfully requests withdrawal of the objection.

Claim Rejections Under 35 USC §112

Claims 8-15 are rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 9, 10, and 15 to correct the lack of antecedent basis objected to in the current Office Action. In addition, Applicant has amended claims 8 and 10 in response to the objections for indefiniteness to particular claim language as indicated in the Office

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Action. Applicant respectfully requests reconsideration of the objections based on the claim amendments.

Claim Rejections Under 35 USC §103

Claims 1 and 3-5 are rejected under 35 USC §103(a) as being unpatentable over Rowley, U.S. Patent No. 5,999,740 in view of Applicant Admitted Prior Art (hereinafter "AAPA").

Applicant has amended claim 1 to further clarify Applicant's invention. With respect to independent claim 1, the Office Action states and Applicant agrees that "Rowley does not specifically teach retrieving/transmitting a link to an application descriptor for said respective application to said client device." Further, the Office Action states and Applicant agrees that the prior art "teach using a browser to download an application descriptor from a server to a client device." However, Applicant does not agree with the Office Action that "it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley with the teaching of AAPA to provide a direct and efficient mechanism of downloading applications or application updates."

Applicant submits that proper motivation for the combination of Rowley and AAPA is not found in either Rowley or AAPA, and is not found in the knowledge generally available to one of ordinary skill in the art. Applicant respectfully submits that the Examiner is using Applicant's invention as the motivation to combine Rowley with AAPA. For example, one exemplary aspect of Applicant's invention is that applications may be downloaded wirelessly using a single user interface that is not dependent on a particular content/application download model (CADM) or web browser. This enables handheld devices to download applications, independent of a browser, in a manner which is economical with respect to memory and processing power of the handheld computing device. Applicant respectfully submits that there is no suggestion or motivation in Rowley or AAPA to modify or combine these references. Rowley is concerned with updating and uploading software located on conventional desktop computer through software residing on a desktop computer. Rowley does not disclose or suggest wireless downloading of applications to computing devices having memory and processing constraints.

Therefore, for at least the above reason, Applicant respectfully submits that independent claim 1 is in condition for allowance. Claims 2-7 depend from independent claim 1 and are

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allowable for at least the same reason as independent claim 1, and further in view of various features recited therein.

Claims 2 and 7 are rejected under 35 USC §103(a) as being unpatentable over Rowley, and AAPA as applied to claim 1 above, further in view of Bourcher, et al., U.S. Patent No. 6,910,047.

Applicant respectfully submits that dependent claims 2 and 7 which ultimately depend from independent claim 1 are allowable for at least the same reasons as independent claim 1.

Claims 6, 8, 10-16, 18-20 are rejected under 35 USC §103(a) as being unpatentable over Rowley and AAPA as applied to claim 1 above, further in view of Ims, et al., U.S. Patent No. 6,665,867.

Applicant respectfully submits that dependent claim 6 which ultimately depends from independent claim 1 is allowable for at least the same reasons as independent claim 1.

With respect to independent claim 8, the Office Action states that independent claim 8 "is rejected for the same reasons as claims 1 and 6 above." Applicant respectfully submits that Rowley, AAPA, nor Ims disclose, teach, or suggest the claimed feature of "generating by a client device an initiation request for information describing available applications and for a link to an application descriptor" (Emphasis added). Therefore for at least this reason Applicant submits that claim 8 is in condition for allowance.

Furthermore, Applicant respectfully submits that proper motivation for the combination of Rowley, AAPA, and Ims et al., is not found in either Rowley, AAPA, or Ims et al. and is not found in the knowledge generally available to one of ordinary skill in the art. Applicant respectfully submits that the Examiner is using Applicant's invention as the motivation to combine Rowley with AAPA. For example, one exemplary aspect of Applicant's invention is that applications may be downloaded wirelessly using a single user interface that is not dependent on a particular content/application download model (CADM) or web browser. This enables handheld devices to download applications, independent of a browser, in a manner which is economical with respect to memory and processing power of the handheld computing device. Applicant respectfully submits that there is no suggestion or motivation in Rowley or AAPA to

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modify or combine these references. Rowley is concerned with updating and uploading software located on conventional desktop computer through software residing on a desktop computer. Rowley does not disclose or suggest wireless downloading of applications to computing devices having memory and processing constraints.

Therefore, for at least the above reasons, Applicant respectfully submits that independent claim 8 is in condition for allowance. Claims 9-12 and 15 ultimately depend from independent claim 1 and are allowable for at least the same reason as independent claim 1, and further in view of various features recited therein.

With regard to independent claim 16, the Office Action states that "Rowley, AAPA, and Ims et al. teach substantially the method for facilitating the downloading of an application from at least one server computer to a client device. Therefore, Rowley, AAPA, and Ims teach the system for implementing the method."

Applicant has amended independent claim 16 to further clarify the invention. For similar reasons discussed above with respect to independent claims 1 and 8, Applicant respectfully submits that proper motivation for the combination of Rowley, AAPA, and Ims et al. is not found in either Rowley, AAPA, or Ims et al., and is not found in the knowledge generally available to one of ordinary skill in the art. Therefore, for at least the above reason, Applicant respectfully submits that independent claim 16 is in condition for allowance. Claims 17-21 which ultimately depend from independent claim 16 are allowable for at least the same reason as claim 16, and further in view of various features recited therein.

Claims 9, 17 and 21 are rejected under 35 USC §103(a) as being unpatentable over Rowley, AAPA and Ims as applied to claims 6 and 16 above, further in view of Bourcher.

Applicant respectfully submits that dependent claims 9, 17, and 21 which ultimately depend from one of independent claims 8 or 16 are allowable for at least the same reasons as independent claim from which they ultimately depend.

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to

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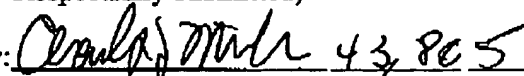
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contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Dated: November 14, 2005

Respectfully submitted,

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